



AUSTRALIAN SENATE

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CLERK OF THE SENATE

30 January 2015

Senator Cory Bernardi
Chair
Standing Committee on Finance and Public Administration
Legislation Committee
Parliament House
Canberra ACT 2600

Dear Senator Bernardi

INQUIRY INTO THE PARLIAMENTARY SERVICE AMENDMENT BILL 2014

I refer to your letter of 4 December 2014 inviting me to make a submission to the Committee's inquiry into the Parliamentary Service Amendment Bill 2014 which proposes amendments to the *Parliamentary Service Act 1999* to include the Australian Federal Police in the membership of the Security Management Board and to further define the remit of the Board. The following information is provided to assist the Committee.

Background

Pursuant to section 6 of the *Parliamentary Precincts Act 1988*, the parliamentary precincts are under the control and management of the Presiding Officers (subject to any order of the two Houses). The Presiding Officers are therefore responsible, among other matters, for security arrangements within the precincts.

The Department of Parliamentary Services is responsible for the provision of security services for Parliament House. In addition, the Usher of the Black Rod and the Serjeant-at-Arms have particular security responsibilities in relation to their respective houses.

The Senate Standing Committee on Appropriations and Staffing has a role in providing oversight to security arrangements affecting the Senate. Standing Order 19 provides for the appointment of the Committee and requires the Committee to 'consider the administration and funding of security measures affecting the Senate and advise the President and the Senate as appropriate'.¹

The Security Management Board

Establishment

The Presiding Officers established the Security Management Board ('the Board') in March 2002 to provide specialist security advice and support to them in their responsibility for security arrangements in the parliamentary precincts, and '... to ensure the coordination of the strategic management and technical requirements of security at Parliament House.'² The creation of the Board came at a time when

¹ Standing order 19(3)(d).

² Parliament House – Security matters – Statement by the President: SD, 11/11/2002, pp 5817-5818.

the security arrangements for Parliament House were under a review which led to the transfer of the security functions of the two house departments to the then Joint House Department in 2003.

The Board was given statutory authority in 2005 through the insertion of section 65A into the *Parliamentary Service Act 1999*. The statutory recognition of the Board reflected a recommendation of the Senate Appropriations and Staffing Committee following its consideration of the need to ensure that adequate safeguards were in place to protect the interests of senators and the Senate following the transfer of security functions and funding to the Joint House Department.³ Further information on the history of the Board is set out in [Appendix 1](#).

Function

The function of the Board is "...to provide advice as required to the Presiding Officers on security policy, and the management of security measures, for Parliament House."⁴

Membership

The Board consists of the Secretary of the Department of Parliamentary Services ('DPS'), or an SES employee of that department nominated by the Presiding Officers; an SES employee of the Department of the Senate nominated by the President; and an SES employee of the Department of the House of Representatives nominated by the Speaker.⁵ Since the Board was given a statutory basis, the Secretary has represented DPS and the Usher of the Black Rod and the Serjeant-at-Arms have been nominated by the Presiding Officers as the relevant officers of their respective departments.⁶

The Presiding Officers are required to appoint a Board member to chair meetings of the Board.⁷ The Secretary of DPS has been appointed to this role since the legislative requirement was introduced, and was also the nominated chair since the Board began in 2002, which reflects the role of DPS in providing security services to the Parliament and the breadth of security matters considered by the Board.

With the approval of the Presiding Officers, the Board may invite other members of the Parliamentary Service to attend its meetings, and may invite the heads of other organisations to attend or be represented at its meetings.⁸ Relevant staff from DPS regularly attend meetings of the Board, such as senior staff with security responsibilities and the Chief Information Officer who provides regular briefings on ICT Security. The attendance of representatives of other organisations is discussed below.

Meetings and operations

The Board fulfils its function of providing security advice as required to the Presiding Officers in a number of ways. The Board meets regularly, approximately 10 times per year.⁹ Meetings are conducted formally with agendas and minutes, and secretariat support is provided by DPS.

Through its meetings, the Board is kept informed of relevant security matters by receiving briefings, reports and other contributions from DPS officers from the security and ICT security areas, other Board members, and from the external agencies who attend.

³ Appropriations and Staffing Committee, *Senate Department Budget 2004-05*, 40th Report, May 2004.

⁴ *Parliamentary Service Act 1999*, section 65A(5).

⁵ *Parliamentary Service Act 1999*, section 65A(2).

⁶ For a brief period in 2012-2013 the Parliamentary Budget Office was also a statutory member of the Board.

⁷ *Parliamentary Service Act 1999*, section 65A(4).

⁸ *Parliamentary Service Act 1999*, section 65A(3).

⁹ The Board had six meetings in 2002; nine meetings in 2003; 10-11 meetings per year between 2004 and 2012; and eight meetings in each of 2013 and 2014.

The Board provides oversight to the management of various security related projects and initiatives, and undertakes specific tasks identified for progression. Projects are identified variously by DPS, Board members, the Board itself or upon the request of the Presiding Officers. Expertise is sought from Government agencies as required and DPS may also engage consultants to provide expertise or legal advice as required.

On various matters, submissions are progressed to the Presiding Officers as advice, and as appropriate, for decision. The Board also brings ad hoc matters to the attention of the Presiding Officers 'out of session' through submissions. Generally, submissions are drafted by officers within DPS on behalf of the Secretary and circulated to the other Board members for comment, prior to signature by all three members.¹⁰

The Board also provides regular briefings to the Presiding Officers, and briefings on ad hoc matters as required.¹¹ Board practices also include providing meetings papers, including minutes, to the Presiding Officers for information.

From July 2007 until July 2013 a sub-committee operated to provide support to the Board by undertaking various tasks such as reviewing security operating policies and procedures.¹²

Arrangements in other Australian and New Zealand jurisdictions

Various arrangements for the provision of security advice to presiding officers exist in other Australian jurisdictions and in New Zealand, none of which exactly match the arrangements for the Australian Parliament. Four examples are set out below, and further information about the arrangements in other jurisdictions can be provided upon request:

- The Parliament of New South Wales has a Security Committee, chaired by the Security Manager, an employee of its Department of Parliamentary Services, with representatives from both houses; the Usher of the Black Rod and the Serjeant-at-Arms. The committee reports to the three parliamentary department heads and through them to the presiding officers. While the Security Manager liaises closely with the NSW Police who provided security services to the Parliament, no representative of NSW Police attends meetings of the Committee unless invited for a specific purpose.
- The Parliament of Victoria instituted a Security Management Board in October 2014 which consists of the two presiding officers, the three parliamentary heads, a member representing each of the main political parties and at least two senior representatives of Victoria Police. The manager of the DPS Security and Electorate Properties Unit, the Serjeant-at-Arms and the Usher of the Black Rod attend meetings but are not members of the Board.
- In the Parliament of South Australia, the Usher of the Black Rod and the Serjeant-at-Arms are the primary advisers to the presiding officers and members on security matters. These officers also have operational responsibility for security, overseeing the functioning of several groups of personnel that

¹⁰ In addition to the Usher of the Black Rod being a signatory to such submissions by virtue of being a member of the Board, it is also a resolution of the Senate that any advice on security matters affecting senators, Parliament House and the parliamentary precincts tendered by the Secretary or another officer of DPS be co-signed by the Usher of the Black Rod or another officer of the Department of the Senate and unless it is co-signed, it shall not constitute satisfactory advice to the President: 16 June 2004, J.3480.

¹¹ Board members are also the conduit of security related information and advice to the Presiding Officers in their respective individual capacities. For example, the Usher of the Black Rod provides information and advice to the President in relation to security matters and incidents that affect the Senate or senators.

¹² The sub-committee consisted of the Deputy Usher of the Black Rod, the Deputy Serjeant-at-Arms, security staff from DPS and the AFP Protective Security Controller and the AFP Station Manager for Parliament House.

collectively deliver security services, including the SA Police Protective Security Officers. There is no formalised committee or board.

- The New Zealand House of Representatives does not have an advisory board on security matters, rather, the Speaker is advised by the Group Manager Precinct Services (to whom the Head of Security reports) who is an employee of the Parliamentary Service and who liaises with the New Zealand Police which provide security services to the House. The Serjeant-at-Arms does not have any security responsibilities.

Recent security changes and the enhanced role of the Australian Federal Police

Security arrangements within the parliamentary precincts have recently been enhanced in response to the changing security environment and the Australian Government's decision to raise the National Terrorism Public Alert level from medium to high.

In early September 2014, a security review of Parliament House was undertaken by the Attorney-General's Department and the AFP. The review concluded that changes to security practices and procedures within the precincts were necessary in order to continue to provide a secure workplace in the increased threat environment.

Subsequently, a number of changes to security were introduced in order to strengthen the existing security arrangements at Parliament House.¹³ The changes included increasing the security presence and capability within the precincts, changes to arrangements for access to the private areas of Parliament House and a program of capital works to enhance the physical security of Parliament House. In addition, the Presiding Officers requested the AFP to undertake an increased role within the precincts.

Previously, AFP-Uniform Protection provided security services only externally to Parliament House and within the Ministerial Wing.¹⁴ Following the security review, the Presiding Officers authorised the AFP to act on their behalf in relation to the day-to-day operational security of Parliament House including assuming command, control and coordination of all operational security and response functions within the precincts. The AFP are now working closely with the DPS Parliamentary Security Service to provide security within the precincts as a whole, where appropriate in consultation with the Usher of the Black Rod and the Serjeant-at-Arms.¹⁵

Parliamentary Service Amendment Bill 2014

The Parliamentary Service Amendment Bill 2014 proposes amendments to the *Parliamentary Service Act 1999* to include the AFP in the membership of the Security Management Board and to further define the remit of the Board. The Bill was sponsored by the Speaker in the House of Representatives and the President in the Senate. In his second reading speech to the Bill the President referred to the recent security changes within the precincts and stated that "[a]s part of the physical security enhancements, we have been further reviewing the governance arrangements for security matters within Parliament House. This bill seeks to further strengthen those governance arrangements in two important areas."¹⁶

¹³ Parliament House – Security Arrangements – Statement by the President: SD, 22/9/2014, p 6577.

¹⁴ Pursuant to an agreement made under section 9 of the *Parliamentary Precincts Act 1988*: *An arrangement made between the Presiding Officers of the Commonwealth Parliament and the Minister administering the Australian Protective Service Act 1987 regarding the functions of Australian Protective Service Officers in relation to the parliamentary precincts*, 24 November 1988.

¹⁵ *Authorisation to the Australian Federal Police Security Controller by the Presiding Officers*, 16/12/2014.

¹⁶ Parliamentary Service Amendment Bill 2014, second reading speech: SD, 27/11/14, pp 9510-9511.

Membership of the Security Management Board

The Bill proposes to expand the membership of the Board to include a representative of the AFP. As noted above, section 65A permits the Board to invite the heads of other organisations to attend or be represented at its meetings. The practice of inviting representatives of relevant government agencies began soon after the Board was established. Since 2003/2004 representatives of the Department of Finance, the AFP and the Attorney-General's Department have regularly attended meetings of the Board (with some variation over the years), until mid-2013 when external agencies ceased attending meetings of the Board.

In late 2014, at the request of the Presiding Officers, a number of government agencies were invited to nominate representatives to attend meetings of the Board including: the AFP, the Australian Security Intelligence Organisation, the Attorney-General's Department, the Department of Finance and the Department of the Prime Minister and Cabinet. Representatives of those agencies attended the subsequent meetings of the Board on 12 November and 17 December 2014. The next meeting of the Board is scheduled for late February 2015.

Although the AFP has not, to date, held a position on the Board, its views and expertise have always been available to the Board, through attendance at meetings and through consultation on various matters.

Remit of the Security Management Board

The Bill proposes to amend the existing function of the Board to include the 'operation' of security measures. As previously noted, the current function of the Board is to provide advice, as required, to the Presiding Officers on 'security policy, and the management of security measures, for Parliament House'. Pursuant to the proposed amendment, this remit would read 'security policy, and the management *or operation* of security measures, for Parliament House' (emphasis added).

In relation to the scope of the Board's functions, it is noted that the Board has examined a range of matters over the years including (but not limited to):

- various security related capital works projects
- review of guidelines, policies and procedures relating to various matters such as security screening, the parliamentary security pass system, protests etc
- regular reports and updates on various aspects of security arrangements
- emergency evacuation exercises
- ICT security; and
- security incident reviews.

While the existing functions of the Board are arguably broad the amendment would put beyond doubt that the Board can and should examine matters related to the *operation* of Parliament House security.

I hope this information assists the Committee in its inquiry. Please let me know if I can be of any further assistance.

Yours sincerely

(Rosemary Laing)

Appendix 1 History of the Security Management Board

Until the early 2000's, responsibility for security services rested with the Department of the Senate and the Department of the House of Representatives, and each department was specifically funded for the purpose. The AFP Security Controller was responsible for the coordination of security arrangements for the precincts, in consultation with the Usher of the Black Rod and the Serjeant-at-Arms, under the authority of the Presiding Officers.

In April 2002, the Presiding Officers commissioned the Parliamentary Service Commissioner to review aspects of Parliamentary administration, including 'the advantages, financial and organisational, which may arise from a change to the administration of security within Parliament.

In March 2002, just prior to commissioning the review, the Presiding Officers established the Security Management Board as an interim arrangement. The Board met for the first time on 15 March 2002.

The Commissioner presented his first report, on security matters, in June 2002. The recommendations on security were later subsumed in his final report, tabled in the Senate on 23 October 2002.¹⁷ Among other matters, in relation to security the report recommended that the security function for all departments should be centralised in the Joint House Department and the Security Management Board should become a permanent body.

The Presiding Officers' in-principle decisions in response to the Commissioner's recommendations on the administration of parliamentary security, which included accepting the Commissioner's recommendations noted above, were reported to the Senate Standing Committee on Appropriations and Staffing for consideration in November that year.¹⁸

The Committee endorsed the proposals adopted by the President, including: the transfer to the Joint House Department of security personnel and equipment currently located in the two house departments; the appropriation to the two house departments of the funds for security; and the establishment of the Security Management Board with the composition to include the Secretary of the Joint House Department, the Usher of the Black Rod, the Serjeant-at-Arms, and such other persons with security expertise who may be co-opted to the Board with the permission of the Presiding Officers.¹⁹ The resolutions contained in the Committee's report were endorsed, and the proposals to re-organise the security function in Parliament House approved, by the Senate on 18 November 2002.²⁰

The Security Management Board was subsequently established as a permanent body, chaired by the Secretary of the Joint House Department, and consisted of the Secretary, the Usher of the Black Rod, the Serjeant-at-Arms, the Parliamentary Security Controller and representatives from DPRS, the ministerial wing, the Protective Security Coordination Centre and the Australian Protective Service.²¹

¹⁷ *Review by the Parliamentary Service Commission of Aspects of the Administration of the Parliament: Final Report*, September 2002.

¹⁸ Appropriations and Staffing Committee, *Administration of Parliamentary Security*, 37th Report, November 2002, p 1.

¹⁹ Appropriations and Staffing Committee, *Administration of Parliamentary Security*, 37th Report, November 2002, pp 1 and 2.

²⁰ Appropriations and Staffing Committee, *Administration of Parliamentary Security*, 39th Report, November 2002, p 2.

²¹ Parliament House – Security matters – Statement by the President: SD, 11/11/2002, p 5817.

The security function was transferred to the Joint House Department in August 2003 and following that, to the newly formed Department of Parliamentary Services in February 2004.²² The Usher of the Black Rod and the Serjeant-at-Arms retained their traditional security functions in relation to their respective houses were retained.

In May 2004, the Appropriations and Staffing Committee further considered the arrangements for security and security funding, following further developments in respect of security funding. The Committee noted that the Presiding Officers had decided that the purchaser-provider arrangement whereby the Departments of the Senate and House of Representatives hold funds for security and pay DPS for certain security services, should be dispensed with, and agreed with the President that this was appropriate provided that adequate safeguards were put in place to protect the interests of senators and the Senate.

In relation to safeguards, the Committee recommended:

- That the President direct, for his part that any advice on security matters affecting senators, Parliament House or the parliamentary precincts will not be regarded as satisfactory advice to him unless signed by the appropriate officer of the Department of the Senate.
- That the Senate amend the Committee's terms of reference to give the Committee responsibility for oversight of expenditure and administration of security measures and policy issues.
- That the *Parliamentary Service Act 1999* be amended to provide for the continuation of the Security Management Board to advise the Presiding Officers on security management and policy issues.²³

The Senate passed a resolution adopting and endorsing the recommendations of the Committee on 16 June 2014.²⁴

In March the following year, section 65A was inserted into the Parliamentary Service Amendment Bill 2005 by amendment in the Senate, moved by the Opposition and supported by the Government, to 'provide a statutory basis for the functions and operations of the Security Management Board'.²⁵ In relation to the amendment, President Calvert stated:

The other amendment that Senator Evans moved, regarding the Security Management Board, I certainly support because that amendment comes out of the 40th report of the Senate Standing Committee on Appropriations and Staffing. It will entrench the Security Management Board as the entity which will provide advice to both the Speaker and me on security matters within the parliamentary precinct. It also provides that each of the three parliamentary departments will have representatives on the Security Management Board and that that board will have the power to invite other appropriate people to attend its meetings. These people would typically be representatives of agencies which advise the parliament on specific security measures. The board was the initiative of former President Reid and former Speaker Andrew in 2002, and I must say it has functioned very effectively as a non-statutory body since that time. If this amendment is passed, and I am sure it will be, it will preserve the board in the legislation for the future.²⁶

The Bill passed and section 65A came into force on the date of assent, 1 April 2005. The Board first met as a statutory body on that date.

²² *The performance of the Department of Parliamentary Services, Final Report*, November 2012, p 128.

²³ Appropriations and Staffing Committee, *Administration of Parliamentary Security, 40th Report*, May 2004, p3.

²⁴ 16 June 2004, J.3480.

²⁵ Parliamentary Service Amendment Bill 2015, In Committee: SD, 10/3/2005, p 47.

²⁶ Parliamentary Service Amendment Bill 2015, In Committee: SD, 10/10/2005, p 54.